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Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

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September 22, 2003

Tracie D. Spear
202.778.9390
Fax: 202.778.9100
tspear@kl.com

VIA HAND DELIVERY

Mr. Edward W. Pritchard
Director
Office of Safety, Assurance and Compliance
Federal Railroad Administration
1120 Vermont Avenue – 6th Floor
Washington, DC 20590

FEDERAL RAILROAD
ADMINISTRATION
2003 SEP 23 AM 7:32
OFFICE OF CHIEF COUNSEL

Dear Mr. Pritchard:

On August 1, 2003, New Jersey Transit Corporation ("NJ Transit") filed with the Federal Railroad Administration ("FRA") a Supplement to its Petition for Approval of Shared Use and Waiver of Certain Federal Railroad Administration Regulations (the "Supplement"). The Supplement includes (among other things) additional FRA regulations from which NJ Transit is seeking waivers. FRA has apprised NJ Transit of the need to seek an additional waiver from the requirements of 49 C.F.R. § 238.231(h)(3)(i) (emergency brake handle). The waiver requested herein is part of, and should be considered with, the Supplement filed on August 1, 2003. NJ Transit respectfully submits that the waiver sought herein is in the public interest and consistent with railroad safety.

2003-09-23 11:00:00
OFFICE OF CHIEF COUNSEL

REQUEST FOR WAIVER - SECTION 238.231(h)(3)(i) (EMERGENCY BRAKE HANDLE)

A. FRA Requirement and Purpose

Section 238.231(h)(3)(i) requires passenger cars to be equipped with a means to apply the emergency brake that is accessible to passengers and located in the vestibule or passenger compartment. The emergency brake handle must be clearly identified and marked. The purpose of § 238.231(h)(3)(i) is to ensure that in the event of an emergency, passengers have a readily apparent and accessible means of quickly stopping a passenger car.

B. Request for Waiver and Safety Justification¹

NJ Transit requests a waiver of § 238.231(h)(3)(i) because the Southern New Jersey Light Rail Transit ("SNJLRT") vehicles are not equipped with a means to apply the emergency brake as required by § 238.231(h)(3)(i), but are equipped with a means to apply the full service brake. Specifically, the SNJLRT vehicles are equipped with a brake handle that will, when activated, initiate a full service brake application. The brake handle on the SNJLRT vehicle is accessible to passengers - located adjacent to the SNJLRT vehicle side doors. The handle is clearly identified and marked with a decal that reads, "Brake For Emergency Use Only." To activate the brake handle, a

¹ By decision dated December 3, 1999, FRA granted SNJLRT a waiver of the requirements of 49 C.F.R. § 231.14(a), which requires passenger cars to be equipped with an efficient hand brake that will operate in harmony with the power brake. Section 231.14(a) also requires the hand brake to be located so that it can be safely operated while the passenger car is in motion.

passenger need only grab and twist the handle. The brake handle is interlocked with the door opening mechanism on the SNJLRT vehicle to ensure that the doors cannot open until the speed of the SNJLRT vehicle reduces to almost "0" MPH.

Based upon actual test data, passenger activation of the brake handle on the SNJLRT vehicle achieves an average full service brake rate of 2.25 MPHPS (effective at operating speed of vehicle). In fact, the full service brake rate on the SNJLRT vehicle approaches the emergency brake rate of conventional railroad cars (2.5 to 3.0 MPHPS). Therefore, if a passenger initiates a full service brake application on a SNJLRT vehicle, it will stop almost as quickly as a passenger-initiated emergency brake application on a conventional railroad car. **Table I** below provides brake rate data to aid in the comparison:

TABLE I: BRAKE RATE DATA

Equipment	Full Service Brake Rate (MPHPS)	Emergency Brake Rate (MPHPS)
NJ TRANSIT's Arrow III electric MU car	2.25	2.75
Standard Push-Pull Loco hauled coaches (typical)	2.0 to 2.1	2.5 to 3.0
GO Transit Bi Level Car	1.5	1.8
SNJLRT Vehicle	2.25 (avg.)	5.03 (minimum)

SNJLRT vehicle operators use the full service brake application to stop at stations. Full application of the service brakes on the SNJLRT vehicle is smoother than application of the emergency brakes, which reduces the likelihood of passenger injuries

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movements. Therefore, the use of the full service brake application for passenger activations of the emergency brake handle is more suitable for use in passenger operations such as the SNJLRT System.

As describe above, passenger activation of the brake handle on the SNJLRT vehicle initiates a service brake application on the SNJLRT vehicle. This application initiates a braking effort just less than the emergency braking efforts of conventional railroad cars. Therefore, the goal of ensuring that passengers have a means of quickly stopping a passenger car is still achieved. Additionally, the braking effort caused by activation of the brake handle on the SNJLRT vehicle is more suitable for use on the SNJLRT System. The brake handle on the SNJLRT vehicle provides a level of safety equivalent to the FRA requirements. Accordingly, a waiver of § 238.231(h)(3)(i) is justified.

NJ Transit respectfully requests that FRA grant the waiver request set forth herein. Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracie D. Spear".

Tracie D. Spear

Attorney for New Jersey Transit Corporation